THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.17122 of 2006

Dated:25-08-2006

Between:

Bhonagiri Radhakrishna Petitioner

And

The Gram Panchayat,Mahabubabad, Warangal District.

Respondent

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.17122 of 2006

ORDER:

1. Heard both the counsel. The matter is coming up for admission to day.

2. The writ petition is filed for a writ of Mandamus declaring the action of the respondent in not taking steps for removal of encroachments put up on the road margin in the form of Pan Shops in front of the land covered by Sy.No.307/2 to an extent of Ac.3-00 situated at Mahabubabad village and Mandal, Warangal District as illegal, arbitrary and consequently direct the respondent to remove the encroachments put up on the road margin in the form of pan shops forthwith and pass such other suitable orders.

3. Petitioner submits that he is the owner and in possession of land bearing Survey No.307/2 to an extent of Ac.3.00 situated at Mahabubabad village and Mandal, Warangal District. It is also stated that the grand-father of the petitioner by name Sri Bonagiri Kistaiah purchased the aforesaid land under registered sale deed dated 30.10.1958. It is also stated that the petitioner filed writ petition

No.25832 of 2000 as against the orders passed by the Joint Collector dated 10-12-1998 and this court allowed the writ petition by order dated 24.11.2005. It is also stated that the respondent herein filed W.A.No.366 of 2006 as against the said orders and the same was withdrawn and the respondent herein following resolution of the gram panchayat accepted Rs.20,00,000/- paid by the petitioner towards the development charges in respect of the aforesaid land which inclusive of betterment charges. It is also stated that the respondent withdrawn the writ appeal and the same was dismissed on 10-07-2006.

4. In the light of the facts and circumstances, and also in the light of the Section 53 of the A.P. Panchayat Raj Act,1994, this court is of the considered opinion that the writ petition be disposed of with the following direction:

The respondent is directed to remove the encroachments put up on the road margin in the form of pan shops in front of the land covered by Survey No.307/2 an extent of Ac.3-00 situated at Mahabubabad village and Mandal, Warangal District in accordance with law as expeditiously as possible.

5. Accordingly, the writ petition is hereby allowed to the extent indicated above. No order as to cost.

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25-08-2006

Stp